THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 4873 of 2006

Dated: 14.3.2006

Between:

Devulapalli Yellaiah, S/o D. Balaiah

..... PETITIONER

AND

1. The District Collector,

Rangareddy District, Khairathabad,

Hyderabad and others. **.....RESPONDENTS**

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ORDER:

The writ petition is filed seeking to declare the action of respondents 1 and 2 in contemplating to dispossess the petitioner and his family members from the agricultural land to the extent of Ac.5.00 gts in Sy.Nos.52 and 26 of Laxmiguda village, Rajendranagar Mandal, Rangareddy District as illegal, arbitrary and consequently, to direct respondents 1 and 2 to issue patta certificates to them under the Land Assignment Rules.

Heard the learned Counsel for the petitioner as well as the learned Government Pleader for Revenue.

It is the case of the petitioner that he is a resident of Laxmiguda village, Rajendra Nagar Mandal, Rangareddy District, and he belongs to Schedule Caste Community and he being a landless poor has been cultivating the agricultural land of an extent of Ac.5.00 gts of land in Sy.Nos.52 and 26 since 1956 and therefore, he is entitled for grant of patta under the Land Assignment Rules and he also made an application, but the said application has not been considered in accordance with law. It is also the case of the petitioner that he has filed W.P.No.3247 of 1991 and

the same was dismissed and against which, an appeal was filed and the same was disposed of on 9.4.1991 directing the authorities to dispose of the representation of the petitioner for assignment of the said land within three months from the date of receipt of a copy of the order and it is made clear in the said order that in the meanwhile, the petitioner shall not alienate or create encumbrance on the said land till decision is taken by the authorities. It is also stated that the petitioner is in possession and enjoyment of the land in question and during the second week of February, 2006, the revenue officials directed him to vacate the said land informing him and his family members that their names are not mentioned in the Patta column and also in the Patta certificate. It is also stated that similarly, his other family members also have been cultivating the lands in the said Survey numbers for a extent of Ac.5.00 each totalling Ac.20.00 gts, but the respondents have illegally and highhandedly directed them to vacate the said lands.

The learned Government Pleader appearing for the respondents obtained instructions and stated that the land in Survey No.26 to an extent of Ac.8.20 gts and in Sy.No.52 an extent of Ac.114.35 gts. situated at Laxmiguda village vests with the Government and the said land was proposed for alienation in favour of the APHB for construction of houses and an extent of Ac.84.36 gts., in Sy.No.52 was handed over to the APHB on 12.4.1982 and an extent of Ac.6.02 gts in Sy.No.52 of Laxmiguda Village was also handed over to APHB on 11.3.2005 for construction of Houses under Rajiv Gruhakalpa Pilot Project. It is further stated that the land in Sy.No.26 was encroached by some Schedule Caste people of Laxmiguda village including the petitioner and they also filed a civil suit in O.S.No.246 of 82 on the file of the District Munsif, Hyderabad, West & South and the same was dismissed. It is stated that the father of the petitioner viz., S. Babaiah filed a petition before the Collector, Rangareddy District stating that he is doing cultivation in Sy.No.26 and requested to issue patta certificate and the said application has been rejected since the village comes under the purview of Urban Agglomeration and it is banned area. It is further stated that the Land Grabbing Case No.78 of 1989 was also filed against the encroachers and the Special Court has passed orders to take over possession of the land from encroachers in L.G.C.No.78/89 dated 6.12.1989 and the Survey No.26 is covered with Ac.3.00 road and Ac.5.20 gts was allotted to Rajiv Gruhakalpa Scheme. It is also stated that the petitioner is the long standing encroacher of the

Government land and there is a ban for assignment of Government lands in Urban areas i.e., Laxmiguda village of Rajendranagar Mandal and therefore, this writ petition is not maintainable and the same is liable to be dismissed.

In view of the fact that the lands in question were alienated to the APHB for public purpose and also in view of the orders of the Special Court in L.G.C.No.78 of 1989 filed against the encroachers including the petitioner, dated 6.12.1989 directing to recover possession of the land from encroachers, I am of the opinion that the petitioner is not entitled to any relief in this petition and therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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V.ESWARAIAH.J

Dt. 14.03.2006

Nn.